

Application Serial No.: 10/807,883
Application Filed: March 24, 2004
Response dated: February 19, 2007
Response to Office Action Mailed: October 11, 2006 and January 31, 2007

REMARKS

This application contains claims 15-23. Claims 1-14 have been previously canceled. Claims 15-23 have been rejected. Claims 15, 22, and 23 have been amended. Therefore, Claims 15-24 are pending in the Application. Reconsideration of the application based arguments submitted below is respectfully requested.

Claim Rejections under 35 U.S.C. §§ 102-103

Claims 15-23 have been rejected under 35 U.S.C. §102(b) as being anticipated by Morrow et al (2002017338) or alternately under 35 U.S.C. §103(a) as obvious over Morrow et al.

Applicant would like to respectfully point out that applicable standards and authority can be found in previous responses.

Claims 15-21

Claim 15 has been amended to clarify the invention. Applicant would like to respectfully offer Claim 15 includes features not present in Morrow et al. Morrow et al does not show the inner edge of each sidewall being convex toward the opposing sidewall from the upper portion to the middle portion and convex toward the opposing sidewall from the lower portion to the middle portion.

Morrow et al specifically does not show the inner surfaces 39 and 41 being convex from the lower portion to the middle portion inwardly toward the opposing

Application Serial No.: 10/807,883
Application Filed: March 24, 2004
Response dated: February 19, 2007
Response to Office Action Mailed: October 11, 2006 and January 31, 2007

sidewall. Morrow et al shows a recessed channel 38 that is channeled and concave, not convex. Morrow et al specifically teaches away from the invention as claimed because in Morrow et al this channel forms the ridge 70 and is specifically used to form “a seat for the ball when it is in the netting”. Column 4 lines 10-25. Additionally, the reference cited in the office action (Paragraph 27), when read in its entirety, does not support a change the shape of the recessed channel:

Additionally, the inner surface 39, 41 of each sidewall 16, 18 located immediately above the recessed channel 38 is also disposed inwardly with respect to each corresponding upper rim 34. Each inner surface 39, 41 is preferably **configured** to extend in a generally continuous fashion from the top surface 42 of the recessed channel 38 to the upper rim 34. In the preferred embodiment, this **configuration** is generally curved or arcuate. However, it will be understood that the inner surface 39, 41 of each sidewall may alternatively be sloped, inclined, convex, stepped, or any combination of the above. Moreover, different portions of a single sidewall can take on a variety of different shapes.

(Emphasis added) (Paragraph 27, last 5 sentences)

The published application specifically defines the inner surfaces 39, 41 as being located from the “the top surface 42 of the recessed channel 38 to the upper rim 34”. It is the inner surfaces 39, 41 that can have various shapes, not the recessed channel on the sidewalls 16 and 18.

Application Serial No.:	10/807,883
Application Filed:	March 24, 2004
Response dated:	February 19, 2007
Response to Office Action Mailed:	October 11, 2006 and January 31, 2007

Claims 16-21 are dependent back to patentability distinct Claim 15 and include features not disclosed in Morrow. As such, Claims 16-21 are patentable.

Claim 22

Claim 22 has been amended to clarify the invention. Namely, Claim 22 includes, among other features, side walls having an inner edge that is convex toward the opposing sidewall from the upper portion to the middle portion and convex toward the opposing sidewall from the lower portion to the middle portion. As previously discussed, the prior art does not show, and teaches away from, the inner surfaces being convex toward the opposing sidewall from the upper portion to the middle portion and from the lower portion to the middle portion.

Claim 23

Claim 23 has been amended to clarify the invention. Namely, Claim 23 includes, among other features, the opposing lower portions of the inner edge curving outwardly from the opposing middle portions of the inner edge to the bottom of each sidewall. As previously discussed, the prior art does not show the lower portions inner surfaces being convex outwardly from the opposing middle portions of the inner edge to the bottom of the sidewalls.

Application Serial No.: 10/807,883
Application Filed: March 24, 2004
Response dated: February 19, 2007
Response to Office Action Mailed: October 11, 2006 and January 31, 2007

Claim 24

Claim 24 has been added directed at disclosed subject matter. No new matter has been added.

Request for a Telephone Interview

If the Examiner believes this Response does not put the application in condition for allowance, Applicant would like to specifically request a telephone interview with the Examiner.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Amendment and Response to Deposit Account 23-0035.

Application Serial No.: 10/807,883
Application Filed: March 24, 2004
Response dated: February 19, 2007
Response to Office Action Mailed: October 11, 2006 and January 31, 2007

Respectfully submitted,

/Phillip E. Walker, 52,336/

Phillip E. Walker
Registration No. 52,336
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANT

Phillip E. Walker
Waddey & Patterson
1600 Division Street, Suite 500
Roundabout Plaza
Nashville, TN 37203
(615) 242-2400